

Panaji, 31st August, 1984 (Bhadra 9, 1906)

SERIES II No. 22

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 3/28/84-PER

On placement of his services at the disposal of the Government of Goa, Daman and Diu by the Government of India, Ministry of Home Affairs, New Delhi vide Order No. U.14023/2/84/UTS dated 25-7-84, the Administrator of Goa, Daman and Diu is pleased to appoint Shri P. S. Bawa, IPS (UT 1963) Additional Commissioner of Police, Delhi Police as Inspector General of Police, Government of Goa, Daman and Diu with effect from 17-8-1984 (FN).

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 24th August, 1984.

Planning Department

Notification

No. 4-6-83-PLG

The Government is pleased to constitute a Committee as shown below to study all aspects in regard to the setting-up of a Computer Centre for the Union Territory of Goa, Daman and Diu:

- 1) Special Secretary (Planning) — Chairman.
- 2) Addl. Director, Electronics Commission, E-Wing, Pushpa Bhavan, Chirag Delhi, Madangir Road, New Delhi — Member.
- 3) Executive Director, Computer Centre, R. K. Puram, New Delhi — Member.
- 4) Director of Planning, Statistics and Evaluation, Panaji-Goa — Member Secretary.

The terms of references for the Committee are:

- (i) To assess the data requirements for which computerisation may be necessary;
- (ii) To recommend a most appropriate configuration and system;
- (iii) To recommend whether the equipment should be on outright purchase or rental basis;
- (iv) To recommend organisational structure to run the Computer Centre;
- (v) To assess the financial requirements; and
- (vi) Any other item which the Committee may consider necessary.

The Committee shall submit its report to the Government within a period of 4 months from the date of issue of this Notification.

The Committee may if necessary, associate one or two more Officials with its work.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. W. Rane Sardesai, Under Secretary (Planning).

Panaji, 20th August, 1984.

Works, Education and Tourism Department

Order

No. 8/41/84/WET

Read: — Memorandum No. 8/27/83/WET dated 31-7-84.

On the recommendation of Local Selection Committee Shri Digambar Govind Singbal is hereby temporarily appointed on ad-hoc basis as Lecturer in History of Art in Goa College of Art, Mira-Mar, Panaji, with effect from 3-8-84 (F.N.) on an initial pay of Rs. 700/- per mensem in the pay scale of Rs. 700-40-1100-50-1600 plus the usual allowances admissible from time to time.

The appointment is purely on ad-hoc basis and will not bestow on him any claim for regular appointment, promotion to higher post and seniority.

Other conditions of service will be governed by the relevant rules and regulations in force from time to time.

Shri Singbal has been medically examined and found fit.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from holding a post under Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 21st August, 1984.

Local Administration and Welfare Department

Order

No. 3-11-79/LAWD-MUN (Gen)

Read: — Govt. Order No. 3-11-79/LAWD/MUN (Gen) dated 22-7-1984.

In Partial Modification of Government Order cited above, the Administrator of Goa, Daman and Diu is pleased to appoint Shri A. C. Kamat, Jt. Mamlatdar Sanguem as Chief Officer Sanguem Municipal Council, Sanguem vice Shri B. J. Makwana, Jt. Mamlatdar, Sanguem, in addition to his own duties.

Shri L. F. Correia, Chief Officer, Sanguem Municipal Council, Sanguem is directed to hand over the charge to Shri A. C. Karnat, Jt. Mamlatdar and report to the Jt. Secretary (Personnel), Secretariat, Panaji for further posting.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (LAWD).

Panaji, 22nd August, 1984.

Notification

No. 1-15(6)/84/LAWD

In exercise of the powers conferred by section 48 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (9 of 1962) and in supersession of all the earlier notifications and orders issued and made in this behalf, the Lieutenant Governor of Goa, Daman and Diu hereby authorises the Collector, Goa, the Collector, Daman and the Civil Administrator, Diu, for the purposes of the Chapter V and VI of the said Regulation.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (LAWD).

Panaji, 22nd August, 1984.

Notification

No. 10-9-82-COOP-LAWD/Maryadit

Ref: 1. Govt. Notification No. 10-9-82-Coop/LAWD/Maryadit dated 4th October, 1983.

2. Byelaw of the Goa Pradesh Sahakari Sangh Maryadit, Panaji.

In pursuance of the provision of byelaw No. 23(B) of the byelaws of the Goa Pradesh Sahakari Sangh Maryadit, Panaji, the Govt. is pleased to extend by period of another 1 year with retrospective effect from 21-7-84, the tenure of the First Board of Directors of the aforesaid Sangh consisting of the following:—

- Four representatives of Primary Agricultural Credit Societies in Goa District.
 - Shri Ramchandra Garde, Piligao Bicholim.—Pili-gaon V. K. S. S. Society Ltd.
 - Shri Balkrishna Samant, Sarvan Bicholim — Sarvan Karapur V. K. S. S. Society Ltd., Sarvan.
 - Shri A. F. D. D'Souza, Arpora Bardez — Arpora V. K. S. S. Society Ltd.
 - Shri Jaikrishna Shirodkar — Adharsh V. K. S. S. Society Shiroda Ponda.

2. One representative of Dairy Coop. Societies in Goa District.

Shri Shyamrao Dessai, Thane - Sattari.

3. One representative of Consumers Coop. Societies in Goa District.

Shri Gopal Parab, Paliem - Pernem.

4. One representative of Housing Coop. Societies in Goa District.

Shri Krishnarao Rane, Honda Sattari.

5. One representative of Salary Earners Coop. Society in Goa District.

Shri Harishchandra K. Desai, Priol - Ponda.

6. One representative of Urban Coop. Bank in Goa District.

Shri Vasant Mulio, Aquem, Madgaon.

7. One representative of other types of Coop. Societies in Goa District.

Shri Vinayak Naik, Pirna.

8. One representative of Apex Federal Institution.

Shri Manohar G. P. Gaonkar.

9. One representative of all types of Societies from Daman District.

Shri Premabhai Dajibhai Macchi.
Master Seri Nani Daman.

10. One representative of all types of Coop. Societies from Diu District.

Shri Bhikha Sanker.

Matsya Udyog S. Sahakari Mandli Ltd., Vanakbhara Diu.

11. One expert of Cooperative Education.

Adv. Arun Anant Naik.

12. Registrar of Cooperative Societies Government Nominee.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (LAWD).

Panaji, 21st August, 1984.

Office of the Registrar of Co-operative Societies

No. 48-1-81/TS

Read: Letter dated 6-3-1984 from Shri P. N. Palang, Advocate, Mapusa, requesting for appointment as Registrar's Nominee.

Order

By virtue of the powers delegated to me vide Govt. Notification No. CDB/COOP/1198/68-71 dated 20-5-1971 under Sub-Section (1) of Section 93 of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, read with Sub-Rule (1) of Rule 73 of the Coop. Societies Rules, 1962, I, L. T. De Menezes, Dy. Registrar of Coop. Societies, Goa, Daman and Diu, Panaji, am pleased to appoint Shri P. N. Palang, Advocate, Mapusa, to perform the duties of Registrar's Nominee for deciding the disputes arising in any of the Coop. Societies functioning in the jurisdiction of the Asstt. Registrar Coop. Societies, North Zone, Mapusa, with immediate effect for a period of one year in the first instance.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 7th July, 1984.

No. 48-1-81/TS

Read: Letter dated 31-3-84 from Shri Ashok S. Mashelkar, Advocate, Panaji, for appointment as Registrar's Nominee.

Order

By virtue of the powers delegated to me under Govt. Notification No. CDB/COOP/1198/68-71 dated 20-5-1971 under Sub-Section (1) of Section 93 of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, read with Sub-Rule (1) of Rule 73 of the Coop. Societies Rules, 1962, I, L. T. De Menezes, Dy. Registrar of Coop. Societies, Goa, Daman and Diu, Panaji, am pleased to appoint Shri Ashok S. Mashelkar, Advocate, Panaji, to perform the duties of the Registrar's Nominee for deciding the disputes arising in respect of Goa Urban Coop. Bank Ltd., Panaji, with immediate effect for a period of one year in the first instance Shri Mashelkar for hearing and deciding the disputes so referred to him shall have his sittings at his office situated at Panaji.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 7th July, 1984.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, Govt. Employees Coop. Laxmi Housing Society Ltd., Margao-Goa, is registered under code symbol No. HSG-(a)-136/Goa.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 11th July, 1984.

Certificate of Registration

Govt. Employees Coop. Laxmi Housing Society Ltd., Margao, Goa, has been registered on 11-7-1984 and it bears registration No. HSG-(a)-136/Goa and it is classified as Housing Society under sub-classification No. 5(a)-Tenant Ownership Housing Society, in terms of Rule 9 of the Coop. Societies Rules, 1962, for the Union Territory of Goa, Daman and Diu.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 11th July, 1984.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, Eutico Apartments Coop. Housing Society Ltd., Buttem Bhat, Mercedes, Tiswadi Goa, is registered under the Code Symbol No. HSG(b)-135/Goa.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 6th July, 1984.

Certificate of Registration

Eutico Apartments Coop. Housing Society Ltd., Buttem Bhat, Mercedes, Tiswadi, Goa, has been registered on 6-7-1984 and it bears registration No. HSG(b)-135/Goa and it is classified as "Housing Society" under Sub-Classification No. 5(b) Tenant Ownership Housing Society" in terms of Rule 9 of the Coop. Societies Rules 1962, for the Union Territory of Goa, Daman and Diu.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 6th July, 1984.

Office of the Asstt. Registrar of Cooperative Societies

No. 46/34/77/LQD/ARCS/CZ

Read: — 1) This office order No. RSR/ORG/St.Estevam/LQD/Notice/73-74 dated 5-2-1974 appointing Kum. Kishori N. Pai, Jr. Auditor, Coop. Societies, Panaji as a liquidator of St. Estevam V.K.S.S. Society Ltd., St. Estevam, Tiswadi.

2) Order No. 46/34/77/LQD/ARCS/CZ/Vol.II/81 dated 10-11-1981 appointing Shri A. K. Marathe, Jr. Inspector Coop. Societies, Panaji as liquidator of St. Estevam V.K.S.S. Society Ltd., in place of Shri T. A. Saunto, Ex-Jr. Inspector of Coop. Societies, Central Zone, Panaji.

3) Letter No. LQD/St.Estevam/83 dated 23-5-1983 from the liquidator of the society, submitting therewith the final report in terms of section 109(2) of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu.

Order

In virtue of the powers vested in me under provision of Section 109(1) and Section 21 of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, I, V. S. Hardikar, Asstt. Registrar of Coop. Societies, Central Zone, Panaji hereby terminate the liquidation proceedings and cancel the registration bearing No. RES-C-16/Goa dated 23-2-1964 of St. Estevam V. K. S. S. Society Ltd., St. Estevam, Tiswadi with effect from the date of issue of this order.

V. S. Hardikar, Asstt. Registrar of Coop. Societies, Central Zone.

Panaji, 26th June, 1984.

No. 16-9-83/AR(Dairy)/LQD

Read: — This office order No. 6-11-82/AR(Dairy)NZ/LQD/82 dated 29th October, 1982 appointing Shri G. B. Shetye, Jr. Auditor, Coop. Societies (Dairy) Ponda as liquidator of Shivleela Sah. Dudh Vya. Sanstha Ltd., Oxel-Bardez-Goa.

Order

In partial modification of this office order cited above, Shri Vilas P. Raikar, Jr. Inspector, Coop. Societies (Dairy) Ponda is hereby appointed as liquidator of Shivleela Sahakari Dudh Vya. Sanstha Ltd., Oxel-Bardez in place of Shri G. B. Shetye, Jr. Auditor, Coop. Societies (Dairy) Ponda with effect from the date of taking over the charge of the society.

A. V. Chikkodi, Asstt. Registrar, Coop. Societies (Dairy).

Ponda, 16th June, 1984.

Notification

In exercise of the powers vested in me under sub-section (1) of Section 9 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, Shri Satpurush Sahakari Dudh Utpadak Vyavasayik Sanstha Ltd., Margim-Pernem-Goa is registered under symbol No. PRD-(C)-23/AR(Dairy)/Goa.

A. V. Chikkodi, Asstt. Registrar, Coop. Societies (Dairy).

Ponda, 23rd June, 1984.

Certificate of Registration

Shri Satpurush Sahakari Dudh Utpadak Vyavasayik Sanstha Ltd., Margim-Pernem-Goa has been registered on 23-6-1984 and it bears registration code symbol No. PRD-(C)-23/AR(Dairy)/Goa and it is classified as producers society under sub-classification No. 7(c) Agriculture Producers Society.

A. V. Chikkodi, Asstt. Registrar, Coop. Societies (Dairy).

Ponda, 23rd June, 1984.

Notification

In exercise of the powers vested in me under Section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, The Vanita Sahakari Audhyogic Utpadak Saunstha Ltd., Poinguinim-Canacona, Goa is registered under code symbol No. PRD-(b)-10/South Goa/84.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 20th January, 1984.

Certificate of Registration

The Vanita Sahakari Audhyogic Utpadak Saunstha Ltd., Poinguinim-Canacona, Goa has been registered on 20-1-1984 and it bears registration code symbol No. PRD-(b)-10/South Goa/84 and it is classified as Producer's Society sub-classification 7(a) Industrial Producers Society in terms of Rule 9 of the Cooperative Societies Rules 1962 for the Union Territory of Goa, Daman and Diu.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 20th January, 1984.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, The St. Tereza of Jesus High School Employees Cooperative Credit Society Ltd., Chaudi-Canacona-Goa is registered under code symbol No. 3-Coop-(b)-13/South Goa/84.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 5th March, 1984.

Certificate of Registration

The St. Tereza of Jesus High School Employees Cooperative Credit Society Ltd., Chaudi-Canacona-Goa has been registered on 5-3-1984 and it bears registration code symbol No. 3-Coop-(b)-13/South Goa/84 and it is classified as a Salary Earners Society in terms of Rule 9(3)(b) of the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 5th March, 1984.

Notification

In exercise of the powers vested in me under Section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu The Swastic Sahakari Audhyogic Utpadak Saunstha Ltd., Nagorcem-Palolem-Canacona-Goa is registered under code symbol No. PRD-(b)-9/South Goa/84.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 31st December, 1983.

Certificate of Registration

The Swastic Sahakari Audhyogic Utpadak Saunstha Ltd., Nagorcem-Palolem, Canacona-Goa has been registered on 31-12-1983 and it bears registration code symbol No. PRD-(b)-9/South Goa/84 and it is classified as Producer's Society Sub-classification (a) Industrial Society.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 31st December, 1983.

Revenue Department

Notification

No. 22/177/83-RD

Whereas by Government Notification No. 22/177/83-RD dated 13/12/83 published on page 455 of Series II, No. 38 of the Official Gazette, dated 26-12-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. construction of Pump house including approach road to L.I.S. at Valkinim Rehabilitation site.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after consi-

dering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, S.I.P. Sanguem to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land; and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Special Land Acquisition Officer, S.I.P. Sanguem till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub. Div. No.	Name of the person believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Sanguem	Bhati	19	—	H: Gurudas Timblo.	6505.00
Total						6505.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 14th August, 1984.

AGREEMENT

THIS AGREEMENT is made on this 20th day of August in the year one thousand nine hundred and eighty four BETWEEN the President of India (hereinafter called "the Government") of the one part and the E.S.I. Corporation a statutory Corporation established under the E.S.I. Act, 1948 and having its (registered) Head Quarters office at New Delhi (hereinafter called "The Corporation" which expression shall, unless the context does not so admit, include its successors and assigns) of the other part.

WHEREAS the Corporation has applied to the Government that the land specified in the Schedule appended hereto (hereinafter called "the said land") may be acquired under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter called "the said Act") for the purpose of Construction of E.S.I. Hospital.

AND WHEREAS the Government after having caused an enquiry to be made in conformity with the provisions of the said Act and on being satisfied as a result of such enquiry that the acquisition of the said land is needed for the purpose of Construction of ESI Hospital for the Corporation, have consented to acquire the said land under the provisions of the said Act, and to enter into an agreement hereinafter contained with the Corporation.

NOW these presents witness and it is hereby agreed that the Government shall put in force the provisions of the said Act in order to acquire the said land for the Corporation on the following terms and conditions namely:—

1. The Corporation shall pay to the Government the entire cost, as determined by the Government for the purpose of the acquisition of the said land, including all compensations, damages, costs, charges and other expenses, whatsoever, which have been or may be paid or incurred in respect of or on account of such acquisition or in connection with any litigation arising out of such acquisition either in the original or Appellate Courts and including the costs on account of any establishment and salary of any Officer or Officers of the Government whom the Government may deem it necessary to employ or depute on special duty for the purpose of such acquisition (and also including the percentage charges on the total amount of compensation awarded) in accordance with the instruction issued by the Government from time to time. The money which shall be payable by the Corporation under this clause shall be paid by it by depositing with the Collector of Goa free of interest the sum of rupees One Thousand only within fifteen days from the execution of this Agreement and thereafter by payment to the said Collector within fifteen days from the date of demand by the Collector in writing for such further amount as may be required for the purpose of paying or disbursing compensation, damages, costs, charges or expenses hereinbefore referred to. In any case or urgency, where possession of any land is proposed to be taken under section 17 of the said Act before an award has been made under section 11 of the Act, the Corporation shall deposit with the Collector, free of interest, such amount being not more than two thirds of the approximate amount of compensation payable in respect of the said land as determined under clause (ii) of sub-rule (2) of rule 4 of the Land Acquisition (Companies) Rules.

1963 and within such time as the Collector thinks fit to specify in this behalf.

If the Corporation fails to pay to the Government the entire cost of acquisition, as referred to above, within the aforesaid period, the Government shall be entitled to recover the same from the Corporation as if it were money due to the Government under the Law for the time being in force.

2. On payment of the entire, cost of the acquisition of the said land as hereinbefore referred to the whole of the said land shall, as soon as it may be convenient, be transferred to the Corporation at the cost (in every respect) of the Corporation so as to vest in it, subject to the provisions of the Law for the time being in force as to the terms on which the land shall be held by the Corporation.

3. The said land, when so transferred to and vested in the Corporation shall be held by the Corporation as its property to be used only in furtherance of and for the purpose for which it is acquired, subject nevertheless to the payment of the assessment and cesses if any, so far as the said land is or may from time to time be liable to such assessments and cesses under the provisions of the Law for the time being in force.

4. i) The Corporation shall not, except with the previous sanction of the Government, use the said land for any purpose other than that for which it is acquired.

ii) The time within which the construction of the E.S.I. Hospital and staff quarters shall not exceed three years from the date of transfer of the said land to the Corporation.

iii) If the Government is satisfied after such enquiry as it may deem necessary that the Corporation was prevented by reasons beyond its control from construction of the building specified in the Agreement, the Government may extend the time for that purpose by a period not exceeding one year at a time so however the total period of extension shall not exceed three years.

iv) The Corporation shall keep and maintain at all times the said land and the building or buildings erected thereon on good order and condition to the satisfaction of the Collector.

v) The Corporation shall maintain all records thereof properly and supply to the Government punctually such returns of educational, statistical and other information as may from time to time be required by the Government.

vi) The Corporation shall not use the said land or any building that may be erected upon it for any purpose which in the opinion of the Government is objectionable.

5. The Corporation shall from time to time and at all times permit the Government or any officer or officers authorised by the Government in that behalf, to inspect the said land any works of the Corporation upon the said land whether in the course of construction or otherwise and shall furnish to the Government from time to time on demand correct statements of the moneys expended by the Corporation in the construction of the said works of the Corporation upon the said land.

6. The Corporation shall not in any way alienate the said land or any portion thereof except with the previous permission in writing of the Government. The Corporation shall however be entitled to mortgage the said land to any cooperative or other registered or statutory Financing Agencies for the bonafide purpose of securing loan for undertaking/and/or completing the construction of the work for which the lands are acquired on its behalf. This shall however be subject to the conditions that:

i) In the event of sale, for realisation of its dues to the mortgagees of in respect of the said land.

a) The said land including its structures half of the unearned income (i.e. half the difference between the sale price of the land and the cost of its acquisition, incurred by the Corporation shall be credited to the Government, and b) the Collector's decision regarding the amount of unearned income shall be final).

The mortgagee shall be entitled to utilise in accordance with the terms of mortgage deed the balance of the sale proceeds left, after satisfying the Government claims as per clause (a) above, for realisation of their dues; ii) The right of the mortgagee to sell the mortgaged Land, to realise the undischarged debt shall be absolute, subject to clause (a) and (b) of the condition (1) above; and iii) Conditions prohibiting transfer by sale, etc. imposed upon the Corporation shall not apply to the transferees who purchased the lands in the event of their sale by the mortgagees for realisation of their dues.

7. If the Corporation commits a breach of any of the conditions provided for in this Agreement, the Government may make an order declaring the transfer of the land to the Corporation as null and void whereupon the land shall revert to the Government and the Government may direct that an amount not exceeding one fourth of the amount paid by the Corporation to the Government as the cost of acquisition under clause (1) of Section 41 of the said Act, shall be forfeited to the Government as damages and the balance shall be refunded to the Corporation and the order, so made shall be final and binding.

8. If the Corporation utilises only a portion of the land for the purpose for which it was acquired and the Government is satisfied that the Corporation can continue to utilise the portion of land used by it even if the unutilised part thereof is resumed, the Government may take an order declaring the transfers of the land with respect to the unutilised portion thereof as null and void, whereupon such unutilised portion shall revert to the Government and the Government may direct that an amount not exceeding one fourth of such portion of the amount paid by the Corporation as cost of the acquisition under clause (i) of section 41 of the said Act, as is relatable to the unutilised portion shall be forfeited to the Government as damages and that balance of that portion shall be refunded to the Corporation and the order so made shall, subject to the following provisions shall be final and binding.

Where there is any dispute with regards to the amount relatable to the unutilised portion of the land, such dispute shall be referred to the Court, within whose jurisdiction the land or any part thereof is situated and the decision of that court thereon shall be final.

PROVIDED that the Government shall not make an order as aforesaid, unless the Corporation has been given an opportunity of being heard after a due notice of the breach complained of, has been given to the Corporation and the Corporation has failed to make good the breach or to comply with any directions issued by the Government in this behalf, within the time specified in the said notice for compliance therewith.

9. If at any time or times, any part of the said land is required by Government for the purpose of making any new public road or for any purpose connected with public health, safety, utility or necessity then the Corporation on being required by the Government in writing, shall transfer to the Government such part of the said land as the Government shall specify to be necessary for any of the aforesaid purpose, and in consideration of such transfer the Government shall pay to the Corporation a sum equal to the amount of the compensation awarded under the said Act, and paid by the Corporation in respect of the land so transferred including the percentage awarded under section 23 (2) of the said Act, together with such amount as shall be estimated by the Executive Engineer, P.W.D. having jurisdiction whose decision in the matter shall be final as to the cost of the development of the land so transferred which shall include the value at the date of transfer of any structure standing thereon and when part of a building is on the land so transferred and part is on the adjoining land, reasonable compensation for the injuries affected to the part of the building on the adjoining land.

All the cost and expenses of and incidental to the preparation and execution of these presents shall be borne by the Corporation.

SCHEDULES
(Description of the Land)

Sr. No.	Taluka	Village	Survey No.	Sub-Division No.	Area in sq. mts.	Persons believed to be interested
		City	P. T. Sheet No.	Chalta No.		
1.	Salcete	Margao	262	20/1 (Part)	6440	Comunidade of Margao.
2.	Salcete	Margao	262	20/3	7237	Comunidade of Margao.
3.	Salcete	Margao	262	20/4	5611	Comunidade of Margao.

In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Witnesses: —

1. Sd/-.

2. Sd/-.

Witnesses: —

1. Sd/-.

2. Sd/-.

Sd/-

Signed by Shri V. V. Bhat,
Secretary to the Government
of Goa, Daman and Diu.
Revenue Department for and
on behalf of the President
of India.

Sd/-

Signed by Shri Vijay Kum-
bhare, Dy. Regional Director,
ESI Corporation, Sub-Regio-
nal Office, Goa for and on
behalf of the Employees'
State Insurance Corporation.

Public Health Department

Order

No. 5/46/84-PHD

On the recommendation of the Local Selection Committee, Dr. P. B. Chulaki is appointed on ad-hoc basis to the post of Sr. ENT Surgeon under the Directorate of Health Services and posted at Primary Health Centre, Diu against the vacant post with immediate effect in the scale of Rs. 1100-50-1600 and on the terms and conditions contained in the Government Memorandum of even number dated 16-7-1984. Dr. Chulaki should report at the place of posting immediately.

The above appointment will not bestow on the person a claim for regular appointment and the services rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade or eligibility for promotion to the next higher grade.

The above doctor has been medically examined and found fit by the Medical Board.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Health).

Panaji, 23rd August, 1984.

Order

No. 5/40/84-PHD

On the recommendations of Union Public Service Commission Shri Umesh Kumar is hereby appointed to the post of Pharmaceutical Chemist, in the Institute of Psychiatry and Human Behaviour, Altinho, Panaji against post created under Government Order No. 90/10/81-PHD dated 10-8-1981 in the pay scale of Rs. 650-1200 with effect from the date of taking over charge of the post on the terms and conditions contained in Government Memorandum No. 5/40/84-PHD dated 23rd June, 1984 until further orders.

The above doctor has been medically examined and found fit by the Medical Board, Delhi.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Health).

Panaji, 20th August, 1984.

Industries and Labour Department

Order

No. 28/30/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s Zuari Agro Chemicals Limited, Zuarinagar, Sancoale-Goa and their workman, Shri Urbano Mendes, Senior Technician, r/o Panzorconni, Cuncolim, Salcete-Goa, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s Zuari Agro Chemicals Limited, Zuarinagar, Sancoale-Goa in terminating the services of Shri Urbano Mendes, Senior Technician with effect from 9-9-1980 is legal and justified?

If not, to what relief the workman is entitled to?"

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th August, 1984.

Order

No. 28/42/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s Philoo Flexible Packaging, Tivim, Mapusa, Bardez-Goa, and their workman, Shri Babu Shet-tigar, Machine Operator, resident of Boa Vista, Bastora, Bardez-Goa, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s Philoo Flexible Packaging, Tivim, Mapusa-Goa in terminating the services of their workman, Shri Babu Shettigar, Machine Operator with effect from 23-9-1983 is legal and justified?

If not, to what relief the workman is entitled to?

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries & Labour).

Panaji, 20th August, 1984.

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 17th August, 1984.

IN THE LABOUR COURT GOA, DAMAN & DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/22/83

1. Shri Shridhar P. Shenoi — Applicant
V/s.

1. M/s. Saroj Stores — Opponent

Applicant represented by Adv. P. J. Kamat.

Opponent represented by Shri A. A. Jog, Labour Consultant.

Panaji, Dated: 27-7-1984

AWARD

This is an application under Section 33C(2) of the I.D.A., 1947, in short the Act, filed by the above applicant against the above Opponent, claiming from the latter the amount of Rs. 969-20 plus compensation under Section 43(2) of the Goa, Daman and Diu Shops and Establishments Act, 1973, amounting to Rs. 9,692/-, totalling Rs. 10,661-20.

2. It is applicant's case that he was working for the Opponent from 12-2-1976 and the last salary drawn was Rs. 225-00 per month. The Opponents were not paying him regularly his wages, which, sometimes, for 3 and 4 months were outstanding. Now, he has claimed his wages from December 1981 till 9th April 1982, which was the date when his services were terminated by the Opponent.

3. The Opponents, in their written statement, have raised a preliminary objection regarding the jurisdiction of this Tribunal to entertain this application which, according to them, ought to have been filed under The Payment of Wages Act, on the ground that the major portion of the claim refers

to payment of compensation under The Payment of Wages Act, and, on the merits, admitted that the workman applicant was working with them with a monthly salary of Rs. 225/- but denied that they owe him wages from December 1981 to March 1982. It is their contention that only wages from 1st April to 9th April are owed to the applicant. It is further contended that the applicant and other employees used to take advances from the employer in the course of the month, which advances were deducted at the time of payment of their wages on the 7th of the next month. Accordingly, the applicant has been paid of all his wages on 7th of the next month, after deduction of the advances taken by him. The register of wages shows such payments, although the applicant has not put his signature on the revenue stamp pasted against his name in the said register. The applicant went on delaying signing the said register, because he was demanding increase in pay.

4. Following issues were framed by the Court:

"1. Whether the applicant proves that this Court has jurisdiction to entertain his claim regarding compensation U/s. 43(2) of the Shops and Establishments Act?

2. Whether the Opponent proves that the applicant has been paid his earned wages upto 31-3-1982?

3. Whether the Applicant proves that he is entitled to the wages of 9 days of April, 1982?"

5. On these issues evidence was led by both the parties. The applicant got himself examined and the Opponent also led his own evidence. Both the parties' rep. advanced their oral arguments.

6. Considering 1st issue No. 1 regarding the jurisdiction of this court to entertain this application. I should say that "there is consensus of judicial opinion of various High Courts, viz. Madhya Pradesh, Gujarat, Bombay, Mysore, Madras, Punjab and Haryana, Rajasthan and Andhra Pradesh that the jurisdiction of the Labour Court under Section 33C(2) is not excluded by the provisions of the Payment of Wages Act", and "The lower court has got jurisdiction to entertain claims arising out of deduction of wages and delay in payment of wages and the Labour Court is not debarred from entertaining such claims, inspite of Section 15 and 22 of the Payment of Wages Act." (Vide "The Law of Industrial Disputes", Vol. I, 3rd edition, O. P. Malhotra and K. K. Malhotra at page 1538).

In view of the above, I hold that this Tribunal has jurisdiction to entertain this application filed under the Act.

7. So far issue No. 2 and 3 are concerned:

It is an admitted fact that the applicant's monthly salary was Rs. 225/- and that his wages from 1st April to 9th April have not been paid to him. Regarding applicant's wages for the months of December 1981 to March 1982, the contention of the employer that he has been paid of such salary on the 7th of the next month, with deductions of the advances taken by him, cannot be accepted. The payment of wages register produced before the Court shows that the applicant has not signed on the revenue stamp regarding the said months acknowledging the payment of wages. Besides, in the advance column, which is kept open in the said register, no advance is shown as having been taken by the applicant. The Opponent has also not maintained an advance register, as he was bound to do under The Shops and Establishments Act. In view of this, I cannot accept as true the contention of the employer opponent that he has paid the wages of the applicant regarding the said months. No other evidence has been led by the Opponent to prove such payment.

8. In the premises above, I grant this application and pass the following order:

ORDER

The Opponent employer is directed to pay to the applicant his wages for the month of December 1981 till 9th April, 1982 at the rate of Rs. 225/- per month. I also direct that this payment be made with interest at the rate of 12 p.c. per annum. The compensation claimed by the applicant cannot be granted because the said compensation is provided by the Payment of Wages Act and this application has been filed under the Industrial Disputes Act. Costs of Rs. 200/- to be paid by the Opponent to the applicant.

Dr. Renato de Noronha
Presiding Officer
Labour Court

Law Department (Establishment)**Notification by the High Court of Judicature,
Appellate Side, Bombay**

No. A. 1202(G)/84

The Honourables, the Chief Justice and Judges, direct that the nature of leave for 95 days from 28 March, 1984 to 30 June, 1984, granted to Dr. Eurico Santana Da Silva, District and Sessions Judge, South Goa, Margao vide High Court Notification No. A. 1202(G)/84, dated 27 February, 1984, be amended as follows:

- i) Earned leave for 12 days from 28 March, 1984 to 8 April, 1984,
- ii) Commuted leave for 53 days from 9 April, 1984 to 31 May, 1984 and
- iii) Earned leave for 30 days from 1 June, 1984 to 30 June, 1984.

High Court, Appellate Side,
Bombay, 16 August, 1984.

S. M. Daud
Registrar

Notification by the High Court of Judicature at Bombay

No. C. 1603/84

In partial modification of High Court Joint Notification No. C. 1603/84, dated the 8th December 1983, declaring the holidays for the High Court and its Offices at Bombay, Nagpur, Aurangabad and Panaji, it is hereby notified that only the High Court Bench at Panaji (Goa) and its Offices will remain closed on Thursday, the 30th August 1984, on account of "Ganesh Chaturthi (2nd Day)" in addition to the holidays already declared under High Court Notification, under reference.

By Order

High Court, Appellate Side,
Bombay, 22nd August 1984.

G. B. Terdalkar
I/C. Registrar